

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 3, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-3, 7-12, and 16-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Lindbloom (U.S. Pat. No. 5,740,076). Applicant respectfully traverses this rejection.

It is axiomatic that “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the Lindbloom reference. Applicant discusses the Lindbloom reference and Applicant’s claims in the following.

A. The Lindbloom Disclosure

Lindbloom discloses a system for describing a color gamut in a graphical data processing system. Lindbloom, Patent Title. More specifically, Lindbloom describes a system in the field of computerized pre-press, publishing, and computerized production of video and film segments for analyzing candidate colors in a data processing system and

determining which colors are outside the gamut of a target display or printing device. Lindbloom, column 1, lines 6-12; column 2, lines 43-47. Accordingly, Lindbloom describes a system implemented in a professional publishing context, as opposed to a simple document printing context.

B. Applicant's Claims

Applicant's claim 1, for example, provides as follows (emphasis added):

1. A method for notifying a user as to an inadequate color gamut, comprising:

responsive to a print command, accessing *via a network* imaging data to be printed;

identifying colors represented by the imaging data;

comparing the identified colors with a color gamut of a printing device that is to print the imaging data; and

notifying the user if one or more of the identified colors is not included in the color gamut of the printing device.

Lindbloom does not teach such a method. For example, Lindbloom does not teach accessing imaging data to be printed "responsive to a print command". As is noted above, Lindbloom's data processing system is implemented in a pre-press publishing context, and therefore is not and would not be implemented upon a print command being issued. Lindbloom fails to anticipate claims 1-3 and 7-11 for at least this reason.

Furthermore, Lindbloom does not teach accessing imaging data to be printed "via a network".

Regarding dependent claim 2, Lindbloom does not teach “accessing color information contained within the imaging data”. Instead, as is noted above, Lindbloom’s data processing system *actually conducts color analysis on imaging data* to determine which colors are outside of a target gamut.

Regarding dependent claim 7, Lindbloom does not teach identifying a “Pantone color identification included in the imaging data”. See the discussion of claim 2.

Regarding dependent claim 8, Lindbloom does not teach identifying a “set of intensity values included in the imaging data”. See the discussion of claim 2. Dependent claim 9 is allowable for at least the same reason.

Regarding dependent claim 10, Lindbloom does not teach that the set of intensity values comprises an “ICC profile”. Again, Lindbloom’s data processing system conducts color analysis on imaging data instead of consulting a “profile”.

Turning to independent claim 12, claim 12 is allowable over Lindbloom for at least the same reasons that claim 1 is allowable over Lindbloom.

Regarding dependent claims 16-19, Applicant refers to the discussions of claims 7-10, respectively.

C. Conclusion

Due to the shortcomings of the Lindbloom reference described in the foregoing, Applicant respectfully asserts that Lindbloom does not anticipate Applicant’s claims. Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

Claims 4-6, 13-15, and 20-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindbloom in view of Martinez, et al. (“Martinez,” U.S. Pub. No. 2003/0156299). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant’s disclosure.

In the present case, the prior art at least does not teach or suggest all of the claim limitations, and the prior art provides no motivation or suggestion for the modifications proposed in the Office Action.

The Office Action acknowledges that Lindbloom does not teach various limitations of claims 4-6, 13-15, and 20-27. Due to the deficiencies of the Lindbloom reference, the Office Action relies upon the Martinez reference, which teaches a color management processing system for use in commercial printing. Martinez, Patent Application Title; paragraph 004. Martinez's processing system provides a processing site that receives "density values" generated by a reproduction system and evaluates the density values to calculate "factors," and transmits those factors to a subscriber site. Martinez, paragraph 0013. The processing site includes a central data repository that stores "adjustment data to be used in performing a production print job using one of a plurality of press output devices". Martinez, paragraph 0014.

Similar to Lindbloom, Martinez does not teach or suggest a method or system configured for accessing imaging data to be printed "responsive to a print command". Again, Martinez only describes a processing system used in commercial printing. Furthermore, like Lindbloom, Martinez does not teach accessing imaging data to be printed "via a network". Instead, "density values" are received by Martinez's processing system, and the data repository stores "adjustment data" not imaging data to be printed. For at least those reasons, the combination of Lindbloom and Martinez does not render independent claims 1, 12, and 20, or their dependents, obvious.

Regarding the Office Action's identification of Martinez's paragraph 0092, Martinez does not teach accessing imaging data to be printed via a network using an imaging extension. Instead, paragraph 0092 mere states that a site may "request processing" using a CPDR site "using a variety of methods including, but not limited to, application program interfaces (APIs)". Furthermore, a person having ordinary skill in

the art would not be motivated to use Martinez's APIs to access imaging data to be printed in the Lindbloom system given that Lindbloom does not even contemplate accessing such imaging data via a network.

Turning to claims 24-27, neither Lindbloom nor Martinez teach or suggest a "printer" having the logic described in independent claim 24. Applicant respectfully submits that claims 24-27 are allowable over Lindbloom/Martinez for at least that reason.

In view of the foregoing, it is respectfully submitted that each of claims 4-6, 13-15, and 20-27 are patentable over Lindbloom/Martinez and that the rejection of these claims should be withdrawn.

III. Canceled Claims

Claim 26 has been canceled from the application without prejudice, waiver, or disclaimer. Applicant reserves the right to present this canceled claim, or variants thereof, in continuing applications to be filed subsequently.

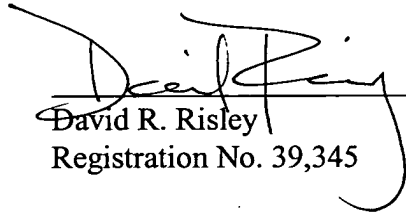
IV. New Claims

Claim 28 has been added into the application through this Response. Applicant respectfully submits that this new claim describes an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that the claim be held to be allowable.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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